

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CANDICE COLE §
Plaintiff, §
§
v. §
§ Civil Action No. SA-09-CA-0597-FB
SANDEL MEDICAL §
INDUSTRIES, L.L.C. §
Defendant. §
§

(PROPOSED) SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16, the Court issues the following scheduling order:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by October 16, 2009.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by October 16, 2009, and each opposing party shall respond, in writing, by October 30, 2009. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorney's fees and court costs at the conclusion of trial.
3. The parties shall file all amended or supplemental pleadings and shall join additional parties by November 13, 2009.
4. The parties shall complete all discovery, except expert discovery, on or before March 27, 2010. Counsel may by agreement continue discovery beyond the deadline, but there

will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

5. All parties asserting claims for relief shall file their designation of potential witnesses, testifying experts, and a list of proposed exhibits, and shall serve on all parties, but not file, a summary of testimony of any witness who will present any opinion in trial in an expert report by April 24, 2010. Parties resisting claims for relief shall file their designation of potential witnesses, testifying experts, and a list of proposed exhibits, and shall serve on all parties, but not file, a summary of testimony of any witness who will present any opinion in trial in an expert report by May 15, 2010.

6. An objection to the reliability of an expert's proposed testimony under Fed. R. Evid. 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **eleven (11) days** of receipt of the written report of the expert's proposed testimony or within **eleven (11) days** of the expert's deposition, if a deposition is taken, whichever is later.

7. The parties shall complete all expert discovery on or before June 5, 2010. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

8. All dispositive motions shall be filed no later than July 9, 2010. Page limitations and response deadlines for any motion, response or reply shall be governed by the Local Rules and any personal rules of the District Judge or Magistrate Judge assigned to this case.

9. This case is set for docket call _____, at 11:00 a.m. and trial in the month of _____. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of trial.

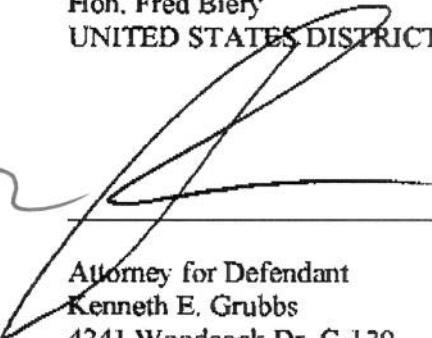
SIGNED this the _____ day of _____, 2009.

Hon. Fred Biery
UNITED STATES DISTRICT JUDGE

AGREED:



Attorney for Plaintiff
Charles W. Hanor
Hanor, Lively & Cernyar, PLLC
750 Rittiman Road
San Antonio, Texas 78209
210-829-2002 (ph)

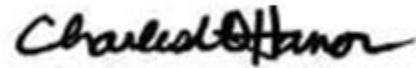


Attorney for Defendant
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210-490-1292 (ph)
210-499-4587 (fax)

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of September, 2009 the foregoing Proposed Scheduling Order was filed using the CM/ECF system which will send notification of such filing to the following:

Kenneth E. Grubbs
4241 Woodcock Dr. C-120
San Antonio, Texas 78228-1328



Charles W. Hanor